

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHNIE RUSSELL WILLIAMS, III)	
)	
Plaintiff,)	CASE NO. C10-0084-JLR-MAT
)	
v.)	
)	ORDER DENYING PLAINTIFF'S
OFFICER DUFFY, <i>et al.</i> ,)	MOTION FOR APPOINTMENT OF
)	COUNSEL AND GRANTING
Defendants.)	PLAINTIFF'S MOTION TO AMEND
_____)	

This matter comes before the Court on plaintiff's motions for appointment of counsel, for leave to amend his complaint, and for an extension of time to file a reply brief in support of his motion for appointment of counsel. The Court, having reviewed plaintiff's motions, and the balance of the record, does hereby find and ORDER as follows:

(1) Plaintiff's motion for an extension of time to file a reply brief in support of his motion for appointment of counsel (Dkt. No. 27) is DENIED.

(2) Plaintiff's motion for appointment of counsel (Dkt. No. 19) is DENIED. There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the

01 Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in*
02 *forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v.*
03 *Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236
04 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional
05 circumstances requires an evaluation of both the likelihood of success on the merits and the
06 ability of the plaintiff to articulate his claims pro se in light of the complexity of the legal issues
07 involved. *Wilborn*, 789 F.2d at 1331.

08 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that,
09 in light of the complexity of the legal issues involved, he is unable to articulate his claims pro se.
10 Thus, plaintiff has not demonstrated that this case involves exceptional circumstances which
11 warrant appointment of counsel at the present time.

12 (3) Plaintiff's motion to amend his complaint (Dkt. No. 21) is GRANTED.
13 Plaintiff moves to amend his complaint in order to correct a typographical error contained in his
14 first amended complaint. Defendants, in their response to plaintiff's motion, indicate that they
15 do not oppose the proposed amendment. Accordingly, the Clerk is directed to post the
16 proposed amended complaint attached to plaintiff's motion to amend as plaintiff's second
17 amended complaint.

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01 (4) The Clerk shall direct copies of this Order to plaintiff, to counsel for defendants,
02 and to the Honorable James L. Robart.

03 DATED this 17th day of September, 2010.

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06 Mary Alice Theiler
07 United States Magistrate Judge
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